

AMENDMENTS TO THE CLAIMS

Please amend claims 1-3, 5 and 11-16 and cancel claims 7-10 and 19-24 as follows.

1. (Currently Amended) A fuel cell comprising:

a pair of separators sandwiching both faces of a membrane electrode assembly composed of a pair of electrodes provided on both sides of a solid polymer electrolyte membrane; and

an outer seal member sandwiched by a pair of separators at a position surrounding an outer periphery of the membrane electrode assembly; and

an inner seal member sandwiched by one of the pair of separators and an outer periphery of said electrolyte membrane; and

wherein a step is formed ~~at contact surfaces of~~ between a first plane portion in contact with said inner seal member and a second plane portion in contact with said outer seal member on at least one of said pair of separators.

2. (Currently Amended) A fuel cell according to claim 1, further comprising:

a backing member for supporting said electrolyte member placed opposing to said inner seal member interposing said electrolyte membrane.

3. (Currently Amended) A fuel cell according to claim 2, wherein said backing member is ~~said~~ an anode electrode or ~~said~~ a cathode electrode.

4. (Original) A fuel cell according to claim 2, wherein said backing member is the other one of said pair of separators.

5. (Currently Amended) A fuel cell according to claim 1, wherein the height of said step is set to be the same as that of ~~an~~ a total thickness of the electrolyte membrane and a larger electrode among a pair of electrodes.

6. (Original) A fuel cell stack, which is formed by stacking a plurality of fuel cells according to claim 1.

7-10. (Canceled)

11. (Currently Amended) A fuel cell comprising:

an electrode assembly sandwiched between a pair of separators composed of an electrolyte membrane sandwiched between an anode electrode and a cathode electrode; and,

an outer seal member sandwiched between a pair of separators at a position surrounding the an outer periphery of the electrode assembly, an inner seal member sandwiched between one of the separators and the an outer periphery of the electrolyte membrane, and a backing member in opposition to the inner seal member and interposing the electrolyte membrane;

wherein, there is a step between the a contact surface with the backing member and the a contact surface with the outer seal member on the other ~~separators in opposition to one of the~~ separator.

12. (Currently Amended) A fuel cell according to claim 11, wherein there is a step of in the same direction as the step of the other separator on the contact surfaces with both seal members on one of separators.

13. (Currently Amended) A fuel cell according to claim 11, further comprising:

a backing member for supporting said electrolyte member placed opposing ~~to~~ said inner seal member interposing said electrolyte membrane.

14. (Currently Amended) A fuel cell according to ~~claims~~ claim 11, wherein the backing member is ~~the~~ an anode electrode or ~~the~~ a cathode electrode.

15. (Currently Amended) A fuel cell according to ~~claims~~ claim 11, wherein the inner seal member and the outer seal member constitute an integral member.

16. (Currently Amended) A fuel cell according to ~~claims~~ claim 11, wherein the outer seal member and the inner seal member are separate members.

17. (Original) A fuel cell according to claim 16, wherein the outer seal member and the inner seal member are provided on different separators.

18. (Original) A fuel cell stack, which is formed by stacking a plurality of the fuel cells according to claim 11.

19-24. (Canceled)